DAVID L. ANDERSON (CABN 149604) 1 United States Attorney 2 **FILED** 3 Jun 17 2020 4 SUSAN Y. SOONG 5 CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 6 OAKLAND 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION 10 NO. 4:20- cr- 00233- JST 11 UNITED STATES OF AMERICA, VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud; 26 12 Plaintiff. U.S.C. § 7206(1) – Making and Subscribing a False 13 V. Tax Return; 18 U.S.C. § 2 − Aiding and Abetting; FRANCIS ROBERT FRITZKY, 14 OAKLAND VENUE Defendant. 15 16 17 18 19 INFORMATION 20 The United States Attorney charges: 21 Introductory Allegations At all times relevant to this Information, unless otherwise indicated, and with all dates being 22 23 approximate and all date ranges both approximate and inclusive: 24 1. From at least June 2016 through July 2019, FRANCIS ROBERT FRITZKY ("FRITZKY") resided in Moraga, California. 25 2. 26 From at least June 23, 2016, to July 24, 2019, FRITZKY was the treasurer of the Moraga Community Foundation (the "Foundation") in Moraga, California, and was also a board member on the 27 28 Foundation's board of directors. **INFORMATION**

- 3. From June 2015 through July 2019, the Foundation was a tax exempt organization under 26 U.S.C. § 501(c)(3) and required to file annual Forms 990/990-EZ, Return of Organization Exempt From Income Tax, requiring the Foundation to set forth its beginning and ending tax year balances of cash, savings, and investments.
- 4. According to the Foundation's bylaws, from June 2015 through July 2019, the Foundation's board members and officers were not entitled to compensation or a salary for their services as board members and/or officers.
- 5. According to the Foundation's bylaws, the Foundation's treasurer was responsible for, among other things, maintaining the Foundation's bank accounts and funds, and accounting for, and keeping records of, the Foundation's bank accounts, funds, assets, and liabilities.
- 6. FRITZKY was a signatory on the Foundation's bank accounts at Union Bank and Mechanics Bank, and had access to the money contained within those bank accounts.
 - 7. MedMatRx, LLC, is a company in which FRITZKY holds a majority ownership interest.
- 8. The Jeannette Fritzky Foundation was founded and was controlled by FRITZKY from its formation through July 2019.
- 9. The Internal Revenue Service is an agency of the United States within the U.S. Department of the Treasury and is responsible for enforcing and administering the United States tax laws.

The Scheme

10. Beginning on June 23, 2016, and continuing through July 24, 2019, FRITZKY knowingly, and with the intent to defraud, devised, intended to devise, participated in, and carried out a scheme and artifice to defraud as to a material matter, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

Manner and Means

It was part of the scheme that:

11. From June 23, 2016, and continuing through July 24, 2019, FRITZKY, acting under his authority as the Foundation's treasurer, made withdrawals, wires, transfers, and electronic payments of more than \$200,000 from the Foundation's bank accounts at Union Bank and Mechanics Bank to

himself, the Jeanette Fritzky Foundation, and MedMatRx, LLC. The unauthorized withdrawals 1 FRITZKY made from the Foundation's bank accounts included the following: 2 a. 48 checks totaling \$205,838.17 payable to MedMatRx, LLC; 3 b. Four checks totaling \$14,345.10 payable to FRITZKY directly; 4 Ten checks totaling \$37,188 payable to the Jeannette Fritzky Foundation. 5 6 12. MedMatRx, LLC did not provide services to the Foundation. As part of his duties as the Foundation's treasurer, FRITZKY was required to submit 7 13. financial and accounting reports to the Foundation's board of directors. On January 9, 2019, to conceal 8 9 his scheme to defraud the Foundation, FRITZKY provided a financial report that listed the beginning and ending balances for two of the Foundation's funds as of December 2018. The two funds were 10 11 contained in the Foundation's bank account at Mechanics Bank. FRITZKY represented in the financial report that the ending balance for one of the Foundation's funds in December 2018 was more than 12 \$108,000 and that the ending balance for the other fund was more than \$37,000. The combined ending 13 balances in December 2018 for both funds was actually less than \$2,000. 14 COUNT ONE: (18 U.S.C. §§ 1343, 2 – Wire Fraud and Aiding and Abetting) 15 14. Paragraphs 1 through 13 are incorporated and realleged as if fully set forth here. 16 On or about January 9, 2019, in the Northern District of California and elsewhere, the 17 15. defendant, 18 FRANCIS ROBERT FRITZKY, 19 for the purpose of executing the scheme described above, knowingly caused to be transmitted by means 20 of wire transmission in interstate commerce the writings, signs, signals, and sounds, specifically, an 21 email containing a December 2018 financial report from Fritzky's Microsoft email account through 22 interstate wire transmissions to the Foundation's board of directors' Google email account. 23 In violation of Title 18, United States Code, Sections 1343 and 2. 24 COUNT TWO: (26 U.S.C. §§ 7206(1) – Making and Subscribing a False Tax Return) 25 Paragraphs 1 through 15 are incorporated and realleged as if fully set forth here. 16. 26 27 28

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1	17. On November 13, 2018, in the Northern District of California, and elsewhere, the
2	defendant,
3	FRANCIS ROBERT FRITZKY,
4	did willfully make and subscribe a Form 990-EZ, Return of Organization Exempt From Income Tax, for
5	the calendar year 2017 (the "2017 tax return), which was verified by a written declaration that it was
6	made under the penalties of perjury, and which defendant FRITZKY knew was not true and correct as to
7	every material matter. The 2017 tax return, which was prepared, signed, and which FRITZKY caused to
8	be prepared and signed, in the Northern District of California and was filed with the Internal Revenue
9	Service falsely reported on Part II, Line 22, of the 2017 tax return that the Foundation's "Cash, savings,
10	and investments" at the end of the year was \$111,275, whereas FRITZKY knew and believed the
11	Foundation's Cash, savings, and investments was less than \$111,275.
12	In violation of Title 26, United States Code, Section 7206(1).
13	DATED: June 16, 2020 DAVID L. ANDERSON United States Attorney
14	Officed States Attorney
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16	THOMAS MOORE
17	Assistant United States Attorney
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